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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,107	12/31/2003	Kurt Santayana	EZP-100US	9604
23122	7590	03/13/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			VANTERPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,107	SANTAYANA, KURT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lester L. Vanterpool	3727	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 9 & 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 10, 19 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by DeVito (U.S. Patent Number 5960572). DeVito discloses the rear wall

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(29); the mounting apparatus (28) affixed to the rear panel (29) to attach the device holder (10) to the vehicle (26); the front panel (68); the retaining device (66) attached to the front panel (68); the base panel; the side plates connected to the front panel (68) defining an opening adapted to removably receive and retain the electronic toll pass device (18). See Figures 1, 2 & 4.

Regarding claim 2, as stated above in claim 1, DeVito discloses the mounting apparatus is at least one suction cup (28). See Figure 4.

Regarding claim 10, as stated above in claim 1, DeVito discloses the retaining device (66) is a paper holder (column 5, line 36 – 39). See Figure 2.

Regarding claim 19, as stated above in claim 1, DeVito discloses the opening (14) is sized to retain the electronic toll pass device (18) by frictional fit (54) (column 5, line 18 – 23). See Figure 5.

Regarding claim 20, as stated above in claim 19, DeVito discloses the protruding (58) structure disposed on at least one of the front, side and rear panels (column 5, line 18 – 30). See Figure 5.

5. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Mahoney et al., (U.S. Patent Number 6957755). Mahoney et al., discloses the first surface (14), the

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middle surface (14.1), the second surface (12), the side panels connecting the first (17), middle (14.1), and second (12) surfaces wherein the first (14) and middle (14.1) surfaces are spaced apart to define an opening adapted to removably receive and retain the electronic toll pass (20), and wherein the second (12) and middle (14.1) surfaces define a retaining device (11); and the mounting apparatus (24 & 60) attach the device holder (100) to the vehicle disposed on the first, middle (14.1) or second (12) surface. See Figures 5, 7 – 10.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) in view of Pitts (U.S. Patent Number 1739801). DeVito discloses the invention substantially as claimed.

However DeVito does not disclose at least one aperture to attach the mounting apparatus to the device holder. Pitts teaches the rear panel (2) further comprises at least one aperture (10) to attach the mounting apparatus (7) to the device holder for the

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purpose of allow the apparatus to be portably mounted. See Figures 1 & 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the rear panel as taught Pitts in order to enhance the ease of placing and removing the device holder.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) as applied to claim 1 above, and further in view of Treske (U.S. Patent Number 5592767). DeVito discloses the invention substantially as claimed. However, DeVito does not disclose the retaining device is a business or credit card holder. Treske discloses the retaining device (10) is a business or credit card (12) holder for the purpose of storing personal items. See Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the retaining business card holder as taught by Treske in order to increase the multi-functional capabilities and allow the user to transport personal items.

9. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) in view of Treske (U.S. Patent Number 5592767) as applied to claim 4 above, and further in view of Elnekaveh (U.S. Patent Number 6823910). DeVito and Treske disclose the invention substantially as claimed. However, DeVito and Treske do not disclose the cardholder comprising at least two tabs to removably receive and retain business or credit cards. Elnekaveh teaches

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cardholder comprising at least two tabs (13 & 14) to removably receive and retain business or credit cards (column 3, line 33 – 36 & column 4, line 57 – 63) for the purpose of securing a plurality of cards. See Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the two tabs as taught by Elnekaveh in order to adequately enhance the securing and retaining business and or credits.

Regarding claim 6, as stated above in claim 5, Elnekaveh discloses at least two tabs (13 & 14) are mounted to corners of the front panel (11) for the purpose of retaining the plurality of card and allowing the user finger space to adequately remove the cards one by one. See Figures 1, 2 & 7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the two tabs mounted to the corners as taught by Elnekaveh in order to adequately enhance the securing and retaining business and or credits and allow the user to remove the cards one at a time.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) as applied to claim 1 above, and further in view of Lee (U.S. Patent Number 5046696). DeVito discloses the invention substantially as claimed. However, DeVito does not disclose the retaining device of the front panel is an eyeglass holder. Lee teaches the retaining device of the front panel (10) is an eyeglass

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holder for the purpose of storing eyewear. See Figure 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the retaining device as taught by Lee in order to enhance multi-functional capabilities.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) as applied to claim 1 above, and further in view of Bolanos (U.S. Patent Number 6427836). DeVito discloses the invention substantially as claimed. However, DeVito does not disclose the retaining device is a picture holder. Bolanos teaches the retaining device (26) is a picture holder (column 3, line 31) for the purpose of transporting and storing personal identification. See Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the retaining device as taught by Bolanos in order to allow the user to transport personal portrait.

12. Claims 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) in view of Bolanos (U.S. Patent Number 6427836) as applied to claim 11 above, and further in view of Arraut (U.S. Patent Number 6886283). DeVito and Bolanos disclose the invention substantially as claimed. However, DeVito and Bolanos do not disclose the picture holder further comprises a picture frame window secured to the front panel with sufficient space to allow a photograph to be inserted and stored between the picture frame window and the front



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panel. Arraut teaches the picture holder further comprises the picture frame window (14) secure to the front panel (19) with sufficient space to allow a photograph to be inserted and stored between the picture frame window (14) and the front panel (19) (column 3, line 4 – 9) for the purpose of storing the personal information. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a device holder as taught by DeVito with the picture holder as taught by Arraut in order to adequately secure the portrait during transportation.

Regarding claim 13, as stated above in claim 12, Bolanos discloses the front panel (24) defines at least one groove (22) adapted to removably receive and retain the picture frame window (column 3, line 44 – 49) for the purpose of allowing the user the option to remove and change cards. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a device holder as taught by DeVito with the grooves taught by Bolanos in order to provide the user with an easy and frictionless card retrievals.

Regarding claim 14, as stated above in claim 12, Arraut discloses the picture frame window (14) is constructed of a plastic material (column 3, line 4 – 9 & column 3, line 26 – 28) for the purpose of allowing the card to be visible and readable without removing the card from the holder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a device holder as taught by DeVito with the picture holder as taught by Arraut in order to communicate the

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information from the personal card without removing the card from the secure storage location.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) as applied to claim 1 above, and further in view of Mandel et al., (U.S. Patent Number 6053310). DeVito discloses the invention substantially as claimed. However, DeVito does not disclose the retaining device is a change holder adapted to removably receive and retain at least one coin. Mandel et al., teaches the retaining device (22) adapted to removably receive and retain at least one coin (56) (column 2, line 52 – 54) for the purpose of storing coins. See Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a device holder as taught by DeVito with the change holder as taught by Mandel et al. in order to store coins in the users vehicle in one convenient location.

14. Claims 16 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) as applied to claim 1 above, and further in view of House (U.S. Patent Number 5881904). DeVito discloses the invention substantially as claimed. However, DeVito does not disclose at least the front, rear, side, and base panels are constructed of a material substantially resistant to UV degradation. House teaches the front, the rear, the sides and the base panels of (6) are constructed of a material substantially resistant to UV degradation (column 4, line 30 – 35) for the

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purpose of increasing durability. See Figures 1 – 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the resistant UV degradation as taught by House in order to increase product reliability and durability.

Regarding claim 18, as stated above in claim 1, House discloses at least the front, rear, the side and the base panels of (6) are of a unitary design, constructed by injection molding, or are cast from a common mold (column 30 – 35) for the purpose of manufacturing cost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with injection molding unitary design as taught by House in order to compensate expensive manufacturing cost.

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (U.S. Patent Number 5960572) in view of House (U.S. Patent Number 5881904) as applied to claim 16 above, and further in view of Mahoney et al., (U.S. Patent Number 6957755). DeVito and House substantially disclose the invention as claimed. However, DeVito and House do not disclose the material is plastic for the purpose of flexibility. Mahoney et al., teaches the material is plastic (column 2, line 45 & 65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device holder as taught by DeVito with the plastic material as taught by House in order to reduce manufacturing cost.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLV

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**

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